IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A.No.3184 of 2005

Date of decision : 3.11.2006

Mehar Chand .....Appellant

versus

Shri Hoshiar Singh and another .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Sandeep Kotla, Advocate for the appellant

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ORDER

HEMANT GUPTA, J. (oral)

The plaintiff is in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby suit of the plaintiff-appellant for possession by way of pre-emption has been dismissed.

The sale of the land measuring 166 kanals 16 marlas was effected vide sale deed dated 15.12.1997, whereas the plaintiff has filed the suit for possession in respect of the land measuring 104 kanals 10 marlas.

Since the plaintiff has not sought pre-emption of the entire land, I do not find any illegality or irregularity in the findings recorded by the Courts below, which may raise any substantial question of law in the second appeal, for consideration of this Court.

Dismissed in limine.

3.11.2006 (HEMANT GUPTA)
*mohinder JUDGE

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A.No.3320 of 2005

Date of decision : 3.11.2006

Om Parkash .....Appellant

versus

Shri Hoshiar Singh and another .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Sandeep Kotla, Advocate for the appellant

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ORDER

HEMANT GUPTA, J. (oral)

The plaintiff is in second appeal aggrieved against the judgment and decree passed by the Courts below, whereby suit of the plaintiff-appellant for possession by way of pre-emption has been dismissed.

The sale of the land measuring 156 kanals 16 marlas was effected vide sale deed dated 15.12.1997, whereas the plaintiff has filed the suit for possession in respect of the land measuring 48 kanals.

Since the plaintiff has not sought pre-emption of the entire land, I do not find any illegality or irregularity in the findings recorded by the Courts below, which may raise any substantial question of law in the second appeal, for consideration of this Court.

Dismissed in limine.

3.11.2006 (HEMANT GUPTA)
*mohinder JUDGE